

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

APOTEX INC.,

Plaintiff,

v.

FOOD AND DRUG ADMINISTRATION,  
et al.,

Defendants.

Civil Action No. 05-0125 (JDB)

**ORDER**

Upon consideration of plaintiff's motion for summary judgment, defendants' cross-motion for summary judgment, the memoranda of the parties, the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion issued on this date, it is hereby

**ORDERED** that plaintiff's motion for summary judgment is **DENIED**; it is further

**ORDERED** that defendants' motion for summary judgment is **GRANTED**; and it is further

**ORDERED** that judgment shall be entered in favor of defendants.

/s/ John D. Bates  
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JOHN D. BATES  
United States District Judge

Dated: February 13, 2006

*Copies to:*

Arthur Y. Tsien  
OLSSON, FRANK AND WEEDA, PC  
1400 16th Street, NW  
Suite 400

Washington, DC 20036-2220  
(202) 789-1212  
Fax: (202) 234-3550  
Email: atsien@ofwlaw.com  
William A. Rakoczy  
RAKOCZY MOLINO MAZZOCHI, LLP  
6 West Hubbard Street  
Suite 500  
Chicago, IL 60610  
(312) 222-6301  
Email: wrakoczy@rmmslegal.com  
Christine J. Siwik  
RAKOCZY MOLINO MAZZOCHI SIWIK LLP  
6 West Hubbard Street  
Suite 500  
Chicago, IL 60610  
(312) 222-6304

Maureen L. Rurka  
RAKOCZY MOLINO MAZZOCHI SIWIK LLP  
6 West Hubbard Street  
Suite 500  
Chicago, IL 60610  
(312) 222-6346  
Patricia Eggleston Pahl  
OLSSON, FRANK & WEEDA, P.C.  
1400 16th Street, NW  
Washington, DC 20036-2220  
(202) 518-6317  
Fax: (202) 234-3537  
Email: tpahl@ofwlaw.com

*Counsel for plaintiff*

Andrew E. Clark  
US DEPARTMENT OF JUSTICE  
OFFICE OF CONSUMER LITIGATION  
P.O. Box 386  
Washington, DC 20044  
(202) 307-0067  
Fax: (202) 514-8742  
Email: andrew.clark@usdoj.gov

*Counsel for defendants*